

**COUNTY OF DEVON**

**TOWN AND COUNTRY PLANNING ACT 1990  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND) ORDER 2015  
TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988  
TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992**

**GRANT OF CONDITIONAL PLANNING PERMISSION**

To: **Mr John Vine, Imerys Minerals Ltd, Par Moor Centre, Par Moor Road, Par, Cornwall, PL24 2SQ**

Agent for: **Imerys Minerals Ltd, Heathfield Works, Higher Brocks Plantation, Old Newton Road, Teigngrace, TQ12 6QZ**

Devon County Council hereby grants planning permission to carry out the development described in the application received on **6 January 2016**, and the plans and drawings attached thereto numbered: DBC/1/20 (Site Location); DBC/1/21 (Application Area); DBC1/22 (Layout Plan); DBC1/23 (Sections across proposed site lagoon system).

brief particulars of which are as follows:

**Construction of two in ground settlement lagoons for the management of surface water from the adjacent Heathfield processing plant, including a screening bund at Newbridge Tip, Higher Brocks Plantation, Old Newton Road, Teigngrace, TQ12 6QZ**

subject to the conditions set out in the attached sheets



on behalf of the Head of Planning, Transportation and Environment

**Date: 5 February 2016**

**NOTE**

This is not a decision under the Building Regulations

Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act 1990, in respect of which enforcement action may be taken.

If this planning permission is for development by Devon County Council it can enure only for the Council's benefit.

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS**

#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

#### **PURCHASE NOTICES**

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a Purchase Notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

**Schedule of Conditions - Teignbridge District Council Application No: 16/00069/DCC  
Devon County Council Ref. DCC/3827/2015**

1. The development shall commence within 3 years of the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within seven days of commencement.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and to enable the MPA to adequately monitor the development.

2. The lagoons hereby permitted shall be restored within 18 months of the cessation of ball clay processing operations at the Heathfield works in accordance with a scheme that shall have been previously submitted to and approved in writing by the Mineral Planning Authority within 6 months of the cessation of the use of Heathfield Works as a Ball Clay processing operation.  
Following the implementation of the approved restoration which shall include the removal of any above ground plant or pipework not required for purposes of restoration, the land shall be managed for a minimum period of 5 years aftercare following the completion of the approved restoration scheme.

Reason: To ensure a beneficial after use of the land in accordance with Policies MP11 and MP 30 of the Devon Minerals Local Plan.

3. Before the construction of fencing or above ground pipework, details shall be submitted to and approved in writing by the Mineral Planning Authority.

Reason: To ensure that the fencing and above ground structures are appropriate to the character of the rural location in accordance with Policy MP10 of the Devon Minerals Local Plan.

4. The outfall from these lagoons shall be to the watercourses and ditches running to the north and north east of the application site.

Reason: To protect the Sites of Special Scientific Interest to the South and South West of the application site.

**INFORMATIVE NOTE**

**Statement of compliance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015**

In determining this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement of the NPPF, as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.